

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: William A. O'Rourke, Jr., M.D.

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Docket No. MPN 19-0302

ANSWER

NOW COMES the Respondent, by and through his attorneys, Dinse, Knapp & McAndrew, P.C., and answers the Specification of Charges in the above-captioned matter as follows:

1. Admitted.
2. Paragraph 2 states a conclusion of law to which no answer is required.

I. Prior Unprofessional Conduct of Respondent and Disciplinary Action

3. Respondent is without sufficient knowledge or information to enable him to form a belief as to the truth of the allegations in this paragraph and therefore denies same.
4. The November 5, 2003 Stipulation and Consent Order speaks for itself; otherwise denied.
5. To the extent the allegations in paragraph 5 concern the Board of Medical Practice's investigation, Respondent is without sufficient knowledge or information to enable him to form a belief as to the truth of the allegations and therefore denies same. To the extent the allegations in paragraph 5 concern pharmacy records or Respondent's medical records, those records speak for themselves. The rest of the allegations in paragraph 5 are denied.

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A. The Controlled Substances in Question

6. To the extent the allegations in paragraph 6 concern the Board of Medical Practice's investigation, Respondent is without sufficient knowledge or information to enable him to form a belief as to the truth of the allegations and therefore denies same.

7. Respondent's medical records speak for themselves; otherwise denied.

8. Respondent's medical records speak for themselves; otherwise denied.

9. Respondent's medical records speak for themselves, otherwise denied.

10. Respondent's medical records speak for themselves, otherwise denied.

11. Respondent's medical records speak for themselves; otherwise denied.

12. The November 5, 2003 Stipulation and Consent Order speaks for itself; otherwise denied.

13. The November 5, 2003 Stipulation and Consent Order speaks for itself; otherwise denied.

B. The Legal Remedy Agreed to by Respondent in 2003

14. The November 5, 2003 Stipulation and Consent Order speaks for itself; otherwise denied.

15. The November 5, 2003 Stipulation and Consent Order speaks for itself; otherwise denied.

II. Current Unprofessional Conduct of Respondent

A. Failure to Comply with Remedial Education Requirements

16. Denied.

17. Denied.

18. To the extent the allegations in paragraph 18 concern the November 5, 2003 Stipulation and Consent Order or written correspondence between Respondent, the Board of Medical Practice, or the prosecuting attorney, those documents speak for themselves; otherwise the rest of the allegations in paragraph 18 are denied.

B. *Ex Parte* Communication by Respondent

19. Respondent denies all allegations of improper conduct contained in paragraph 19.

20. The September 9, 2004 letter referenced and quoted in paragraph 20 speaks for itself; otherwise denied.

C. Investigator Ciotti's Communication with Respondent

21. Denied as phrased.

22. Denied as phrased.

III. State's Allegations of Unprofessional Conduct

Count 1

23. Respondent repeats and incorporates by reference his responses to paragraphs 3 through 22 of the Specification of Charges.

24. Denied.

Count 2

25. Respondent repeats and incorporates by reference his responses to paragraphs 3 through 24 of the Specification of Charges.

26. Denied.

27. Denied.

Count 3

28. Respondent repeats and incorporates by reference his responses to paragraphs 3 through 27 of the Specification of Charges.

29. Denied.

Count 4

30. Respondent repeats and incorporates by reference his responses to paragraphs 3 through 29 of the Specification of Charges.

31. Denied.

Count 5

32. Respondent repeats and incorporates by reference his responses to paragraphs 3 through 31 of the Specification of Charges.

33. Denied.

34. Denied.

35. Denied.

DATED at Burlington, Vermont this 24th day of March, 2005.

DINSE, KNAPP & McANDREW, P.C.

By: 

Ritchie E. Berger, Esq.

Attorney for William A. O'Rourke, Jr., M.D.

cc: James S. Arisman, Esq.

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